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Situation of human rights in Myanmar

Report of the Secretary-General**

Summary

The present report, submitted pursuant to paragraph 20 of General Assembly resolution 70/233 and covering the period from 8 August 2015 to 1 August 2016, examines the human rights situation in Myanmar in the context of the ongoing democratization process in the country and highlights the efforts of the United Nations in supporting the Government and people of Myanmar on their path towards reform, political inclusivity and development. The conduct of a nationwide election on 8 November 2015, with the peaceful, dignified and enthusiastic participation of the people, was a significant turning point in the history of Myanmar. The overwhelming victory by the longstanding opposition party, the National League for Democracy, and its accession to power, replacing a leadership composed mostly of former military officials, is an indication that the reform process is moving in the right direction. On 15 March 2016, the new Parliament elected Htin Kyaw as President, the first Head of State in Myanmar in more than 50 years with a non-military background. The leader of the ruling party, Aung San Suu Kyi, was appointed State Counsellor and Minister for Foreign Affairs. Notwithstanding the overall credibility of the election process, there was widespread concern, nationally and internationally, over the disenfranchisement of more than 1 million people comprising mainly the Muslim population in Rakhine and other minority ethnic groups.

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** The submission of the present report was delayed owing to the extensive consultations on the issues covered in the report.

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The process of national reconciliation progressed with the signing of a nationwide ceasefire agreement by the eight ethnic armed groups on 15 October 2015, paving the way to an end to the ethnic conflict that has marked the country's history since independence. Nevertheless, some dozen of those groups were not prepared to sign the ceasefire agreement because they were seeking greater inclusivity in the peace process. The Government has stepped up efforts to reach out to these non-signatory groups. The United Nations has remained closely engaged with the Government, the military, ethnic armed groups, religious leaders, civil society and other national and international stakeholders in fulfilling the General Assembly mandate.

Notwithstanding the positive developments in other areas, little progress was made in improving the desperate conditions faced by the Muslim population in Rakhine, including those who continued to identify themselves as Rohingya. Many of them continued to languish in camps for internally displaced persons and, along with those outside the camps, have borne the brunt of institutionalized discrimination from the majority community. Sporadic incidents of tension and hatred against minorities remain a cause of concern to the United Nations and the international community. While there are high expectations from the Government that it will take bold steps to create better conditions for all communities, including for the Muslim population in Rakhine, concrete results in this direction have yet to emerge. The United Nations funds and programmes and specialized agencies have continued to provide technical, financial and programmatic assistance to assist Myanmar in addressing important challenges in the political, development, humanitarian and human rights fields. Given the overall progress in democratization and the remarkable political and institutional changes undertaken over the past few years, it is my assessment that the country has met most of the benchmarks outlined in successive General Assembly resolutions, even though some major challenges remain. Member States may therefore wish to review the continuation of the good offices and the mandate of the Special Adviser.

I. Introduction

1. The present report is submitted pursuant to paragraph 20 of General Assembly resolution 70/233, in which the Assembly requested the Secretary-General to continue to provide his good offices and to pursue his discussions on human rights, democracy and reconciliation in Myanmar and to report to the Assembly at its seventy-first session on the progress made in the implementation of the resolution.

2. The present report covers the period from 8 August 2015 to 1 August 2016. In the exercise of the good offices support of the United Nations for the Government of Myanmar, my Special Adviser visited Myanmar on seven occasions, in addition to visiting other countries in the region, including China and Thailand. Information included in the report was gathered through his engagement with a wide range of stakeholders, both national and international, in Myanmar and by the United Nations country team. For her part, the Special Rapporteur on the situation of human rights in Myanmar issued reports in October 2015 (A/70/412) and March 2016 (A/HRC/31/71).

3. My Special Adviser remained in touch with Member States and regional organizations to further constructive engagement by the international community in addressing the various challenges confronting Myanmar. In addition to bilateral and group-level consultations in New York and Myanmar with various Member States, he has kept in close and regular contact with the Special Envoy of the Government of China, Sun Guoxiang, the only other official observer to the peace process. My Special Adviser briefed the Security Council on the situation in Myanmar in November 2015 and in February 2016. I also convened two meetings of the Partnership Group on Myanmar, which were held on 29 September 2015 and 1 July 2016.

II. Context and developments

A. Political reform and democratization

4. A significant recent milestone in the democratization process ushered in by reforms in Myanmar has been the successful general election for the Union Parliament and 14 regional and state-level parliaments, which were held in November 2015 and spread over some 40,000 polling stations. The elections were planned and administered by the Union Election Commission in a manner that was considered by observers to be significantly more transparent and open than in the past. More than 12,000 national and international observers were present to witness various stages of the process. While the elections were largely free of irregularities, there were some concerns relating to their inclusivity. The disenfranchisement of some segments of the population, mainly minority ethnic groups and communities, including the Rohingya, who had voted in and even registered as candidates in previous elections, was of serious concern. More restrictive conditions were introduced in 2015 than during previous elections owing to a stricter interpretation of the citizenship criteria, which required candidates to provide proof of continuous residence of more than 10 years and that both parents were citizens of Myanmar. Such strict interpretation and application of the law resulted in the rejection of 75 candidates, including 32 Muslim candidates. Some variations in the decision-

making process determining who could stand were also noticed among the different state and regional election commissions, which resulted in no Muslim being elected to Parliament. Apart from this, a major issue of discussion during the period of election campaigning related to the restriction imposed by article 59 (f) of the Constitution disqualifying for the post of President or Vice-President any citizen whose spouse or offspring owed allegiance to a foreign country, enjoyed the rights and privileges of a subject or possessed citizenship of a foreign country.

5. Polling was carried out across most of the country, including in areas that were affected by floods. The decision to cancel polling on security grounds in five townships and 590 village tracts spread across Kachin, Kayin, Mon, Shan and Bago States was seen by some as having been done in a non-transparent manner. Given that fighting in Shan State intensified as election day approached, there were further cancellations. Polling was cancelled in seven townships, seven wards and 334 villages on various other grounds. No major incidents of violence were reported. The strong desire for change appeared to prompt an impressive turnout: approximately 70 per cent of some 30 million eligible voters. While the United Nations did not observe the 2015 elections, a mission led by the Electoral Assistance Division was present on the ground to follow events on election day. Mission members witnessed moving scenes of voters enthusiastically and patiently queuing to cast their ballots.

6. The National League for Democracy won the election in a landslide victory, securing 78.95 per cent of the elected seats in the Lower House of Parliament and 80.36 per cent in the Upper House, attaining a comfortable parliamentary majority, notwithstanding that 25 per cent of seats are still constitutionally reserved for the Tatmadaw (armed forces). The former ruling Union Solidarity and Development Party secured a little more than 8 per cent of the elected seats in both Houses. The overwhelming electoral mandate for NLD enabled the election as of Htin Kyaw, a close confidante of Aung San Suu Kyi, as President and the formation of a politically and ethnically inclusive Cabinet that also comprised technocrats from the Union Solidarity and Development Party and a member of the Mon National Party. NLD won three quarters of all elected seats in the seven region assemblies and a comfortable margin in four of the seven state assemblies. In Rakhine and Shan States, ethnic regional parties commanded some degree of support, although no party was able to secure a majority in any of the three remaining state assemblies. Local parties won only three seats in the Mon State assembly, two in Chin State, one in Kayin State and none in Kayah State.

7. Hectic political activity followed the elections, including meetings held on 2 December 2015 between Aung San Suu Kyi, the former President, Thein Sein, and the Commander-in-Chief of the Defence Forces, Min Aung Hlaing. The State Counsellor and the Commander-in-Chief held further meetings on 25 January and 17 February 2016. While few details were made available, it is believed that those engagements helped to build a spirit of cordiality and constructive cooperation between the interlocutors.

8. Parliament convened on 1 February 2016 and the Speakers and Deputy Speakers were elected in the same month. In a bid to ensure stability and durability in the legislature, the Tatmadaw reinstated a majority of military appointee delegates with significant legislative experience and of senior military rank. Some, notably among army majors, were appointed as early as January 2011. This was in

stark contrast with the bloc of elected representatives: only 12 per cent of incumbent legislators of the outgoing Parliament were re-elected. In March, both Houses of Parliament elected Htin Kyaw as President. His inauguration marked the first non-military-associated civilian presidency in more than 50 years. The First Vice-President is Myint Swe, a Mon ex-military officer and the former Chief Minister of Yangon, and the Second Vice-President is Henry Van Hti Yu, an ethnic Chin and Christian from NLD. The same month, Parliament overwhelmingly approved a proposal to reduce the number of ministries from 36 to 21, which was a key element of the NLD election platform. The military continued to head the Ministries of Home Affairs, Defence and Border Affairs, in accordance with the Constitution. The President nominated chief ministers for the 14 regions and states and appointed Aung San Suu Kyi as the new Minister for Foreign Affairs, with an additional function as the State Counsellor, which gives her the power to contact government ministries, departments, organizations, associations and individuals for counsel, while making her accountable to Parliament. In the absence of any change to the Constitution that would enable her appointment as the Head of State, this function effectively gives her a unique status in the Government that has, to date, not been challenged.

9. In an inaugural address to Parliament, the President committed his Government to the priorities outlined in the NLD manifesto of national reconciliation, internal peace, the pursuit of a constitutional evolution towards a federal union and of improving the living standards of the people. In a meeting with the new team of ministers, held on 26 March 2016, the State Counsellor called upon her colleagues to work with diligence, honesty and dedication for the national good, eschew a lavish lifestyle and work with greater transparency and accountability towards the people. She also called upon each of them to prepare a 100-day plan for their departments.

10. One of the first moves of the Government was to free political prisoners. Following the release of 113 prisoners of conscience on 8 April 2016, the President pardoned a further 83 prisoners on 17 April. Signifying the Government's resolve to initiate legal reforms, a legal affairs and special cases assessment commission was established, which soon recommended the review or repeal of some 142 extant laws. The bill committee of the Upper House examined and approved the Peaceful Protest and Assembly Law 2011, as amended in 2014, with the aim of relaxing and scaling back penalties for and restrictions on public protests and processions that required prior permission. Such demonstrations will now require only prior notification. Calls for a similar examination were made with regard to the Emergency Provisions Act 1950, the Electronic Transactions Law and the Unlawful Associations Act. The State Protection Law 1975 was debated in Parliament in May 2016 and formally revoked.

11. Myanmar completed its second universal periodic review examination in November 2015. The Office of the United Nations High Commissioner for Human Rights (OHCHR), notwithstanding its small presence in the country and disruptive visa restrictions, in which its three staff members are required by Myanmar to renew their visas every three months, continued to provide important technical cooperation and capacity-building support to the Government and to state institutions, as well as to the Myanmar National Human Rights Commission. I will touch upon some of the human rights challenges that the country faces in section III.

12. Since the new Government took office, a succession of visits from foreign government leaders has taken place. The Prime Minister of Singapore, Lee Hsien Loong, was the first Head of State to visit Nay Pyi Taw, from 7 to 9 June 2016. The ministers for foreign affairs of Canada, China, France, India, Italy, Japan, Thailand, Turkey and the United States of America also visited Nay Pyi Daw. The President and the State Counsellor embarked on their first State visit to the Lao People's Democratic Republic, the current Chair of the Association of Southeast Asian Nations (ASEAN). The State Counsellor also paid a visit to Thailand. Those visits signified the Government's recognition of the priority of cultivating relationships with Myanmar's regional neighbours.

13. As Myanmar continued to normalize ties with the international community, countries also considered scaling back sanctions. The United States removed 10 State-owned companies in the banking, timber and mining industries from its blacklist but continues to maintain restrictions on business with the Tatmadaw. In April, the Council of the European Union extended its ban on arms sales to Myanmar by another year.

B. Armed conflict and the process of national reconciliation

14. Key stakeholders demonstrated a strong public commitment to continuing talks on the nationwide ceasefire agreement and to begin a political dialogue to address power-sharing and resource-sharing issues within the framework of a united, democratic and federal Myanmar. The persistent effort over a 17-month period that culminated in October 2015 in the provisional agreement on the draft text of the ceasefire agreement was significant because the various ethnic armed groups, notwithstanding their distinct and sometimes divergent interests and aspirations, were able to come together in a single composite negotiating team known as the Nationwide Ceasefire Coordination Team and work constructively with the government side. For more than three years, the United Nations and China were present as third-party observers at negotiations and at important summit meetings of the ethnic armed groups and observed the progress made towards national reconciliation. The approach of the United Nations has consistently been one of low-key observation, minimal interference, moral encouragement and discreet good offices.

15. While the peace talks have shown promise, major differences over the approach and priorities continued to affect agreement on a comprehensive ceasefire. Since the outbreak of hostilities in February 2015 in the Kokang Self-Administered Zone bordering China, continuing tensions have had an impact on negotiations, given that several major ethnic armed groups stepped back from the agreed final text and refused to sign the ceasefire agreement on the grounds that it lacked inclusivity. They called upon the Government to invite all the ethnic armed groups that were part of the Nationwide Ceasefire Coordination Team to sign the agreement, a condition the Government found difficult to agree to, especially with respect to the Kokang armed group and others allied to them. Under those circumstances, the Government went ahead with the formal signing of the agreement on 15 October 2015, suggesting that those unprepared to sign could do so at a future date. Eight of the ethnic armed groups responded positively and were present at the ceremony, while some influential groups, such as the Kachin Independence Organization, the New Mon State Party and the Karenni National

Progressive Party, opted to stay out. My Special Adviser was present at the ceremony in Nay Pyi Taw, signing the agreement as a witness, along with representatives of China, India, Japan and Thailand, as well as of the European Union. The conclusion of the agreement was widely welcomed as a milestone in Myanmar's peace process. The agreement was ratified by Parliament on 8 December 2015 and further steps are under way on both sides to implement the agreement, including the establishment of a Union Joint Monitoring Committee and the preliminary development of a political dialogue framework. A Union Peace Dialogue Joint Committee was formed in January 2016, and the first session of the Union Peace Conference formally opened in Nay Pyi Taw on 12 January 2016, marking the first dialogue between the Government and the ethnic armed groups in 70 years.

16. I have continued to underline that both the signatories and non-signatories of the ceasefire agreement need to maintain a constructive and forward-looking spirit. The Government has kept the doors open for the non-signatory groups to join the peace process and has set out a clear template to begin a political dialogue, including negotiations on a democratic federal union structure. For this to happen, however, existing tensions on the border, especially in Kachin and Northern Shan States, will need to abate and new armed confrontations avoided at all costs. While, overall, there has been no serious lapse in the ceasefire between the Tatmadaw and the signatories, the same cannot be said of the non-signatory groups, given that the intensity of clashes have shown no let-up and have even exacerbated in some sectors involving the Kachin Independence Army, the Shan State Progress Party, the Ta'ang National Liberation Army and the Arakan Army in Rakhine. Failure to control this situation on the ground could further widen the trust gap, accentuate internecine differences and hinder the peace process, as well as give rise to new humanitarian issues.

17. It is promising that the State Counsellor has repeatedly highlighted that national reconciliation is a major priority for the Government. She has given her personal attention to moving the peace process forward by chairing the governmental peace negotiation body, the National Reconciliation and Peace Centre, previously known as the Myanmar Peace Centre, and reconstituting it with a mix of executive, legislative and military representatives. She has appointed Tin Myo Win, her trusted aide and personal physician, as the principal peace negotiator on behalf of the Government. While indicating that her Government will build on the gains made by the previous administration rather than encourage any new or parallel track, she has met with the stakeholders, including signatory groups to the ceasefire agreement and the Tatmadaw. For its part, NLD has also reached out to other groups, including the United Wa State Army, an influential ethnic armed group. Taking inspiration from her father's call for a conference in Panglong in February 1947 to discuss the future political arrangement of the country with Shan, Chin and Kachin leaders, on 27 April 2016 she announced her plan to convene a new "twenty-first century Panglong conference" to which representatives of the various ethnic minorities were invited. The event, which is to be held in late August, is aimed at launching a political dialogue process that would be unifying, forward-looking, inclusive and strive to meet the concerns of all groups, including non-signatories to the ceasefire agreement. For their part, the ethnic armed groups, both signatories and non-signatories, met in Mai Ja Yang, Kachin State, from 26 to 30 July with a view to consolidating a common negotiating position ahead of the

conference. Ethnic parties, civil society and women's groups also participated in the discussions. The State Counsellor and the Commander-in-Chief of the Defence Forces held separate discussions with the United Wa State Army and the Myanmar National Alliance Army. Following those talks, the two ethnic groups agreed to participate in the conference. The openness and flexibility demonstrated by all sides have been encouraging, including the outreach efforts by the State Counsellor and her negotiating team in promoting an inclusive peace process.

18. There is steady progress being made on the establishment of the Union Joint Monitoring Committee based on the provisions of the ceasefire agreement. The Committee was formed on 18 November 2015 with 10 representatives of the Government, 10 representatives of eight ethnic armed groups and 6 civilian representatives nominated by both sides. In the immediate term, providing support to the Committee will be critical in helping to build momentum and confidence in the implementation of the agreement. In calibrating the continued support of the United Nations for the peace process, I am conscious that external partners will need to be fully attuned to the national and geopolitical sensitivities involved. At the request of the Committee, the United Nations is establishing a funding mechanism to channel international support, including that of China and other donor countries, to support this important initiative. In her meeting with my Special Adviser on 25 May in Nay Pyi Taw, the State Counsellor indicated her Government's interest in continuing the good offices of the United Nations in this regard. The United Nations will continue to provide such support with the agreement of all partners in order to accompany Myanmar on a continued path of sustainable peace.

19. Progress towards addressing the issue of child soldiers was made when Myanmar signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 28 September 2015 in New York. I urge the Government to ratify the Protocol without delay. My Special Representative for Children and Armed Conflict engaged with the Karenni National Progressive Party, the Karen National Union and the Kachin Independence Army to encourage the development of action plans to address the recruitment and use of children and other grave violations. The United Nations has pursued further dialogue with those groups, and one listed party, the Karenni National Progressive Party, along with its armed wing, the Karenni Army, is prepared to sign an action plan. I encourage the Government to support the conclusion and implementation of these action plans in order to strengthen the protection of children throughout Myanmar. Positive steps continued to be taken by the Government to advance the implementation of the joint action plan to end and prevent the recruitment and use of children by the Tatmadaw, including training on age assessment in recruitment centres, increased access to military battalions and units for monitoring missions and monthly case review meetings with the United Nations for the verification of suspected child recruits. From January 2015 to May 2016, 192 former child soldiers, including 37 minors, were released and returned to their families and communities. I endorse the recommendation of the Special Rapporteur that the Government should strengthen age verification and monitoring and oversight mechanisms for recruitment and ensure that all those responsible for child recruitment and use, including civilian brokers, are brought to justice.

C. Rakhine and the communal situation

20. In contrast with the optimism evident from the developments described above, I wish to underline that the practice of institutionalized discrimination against the minority Muslim community, especially the community that identifies itself as Rohingya, continues to be a subject of negative attention and concern within the international community. More than four years after the violent events of 2012 in Rakhine, an estimated 1.2 million Muslims in that state continue to face various forms of restrictions on movement, employment, education and religious freedom, with many languishing in camps for internally displaced persons and having little hope for the future. The issue of their legal status, including access to citizenship for the overwhelming majority of this community, remains unresolved and the prospect of a life of dignity and security bleak. The most recent census data on religious groups, released on 21 July, show only a marginal increase in Christian (4.9 per cent to 6.2 per cent) and Muslim populations (3.9 per cent to 4.3 per cent), compared with 1983.

21. Radical religious groups, including elements in the Buddhist Ma Ba Tha, have continued to use anti-Muslim rhetoric to fuel religious hatred and ignite fresh tensions. The nefarious use of social media by groups and individuals aimed at provoking violence and inciting hatred against other religious communities has continued with little public restriction or opprobrium. On 28 April 2016, some of those groups demonstrated outside the United States Embassy in Yangon, condemning the use of the term "Rohingya". The Embassy had used the term in a statement expressing concern at events in Rakhine, including the capsizing of a boat in Sittwe, the state capital, some days earlier that reportedly resulted in the death of 21 internally displaced persons, all of whom were members of the Muslim community. Elsewhere in the country, reports of the eviction of Muslim vendors from the area of the Shwedagon Pagoda in Yangon in the first quarter of 2016, of a mob attack on 23 June on a Muslim home, shop, mosque and madrasa in the village of Thu Ye Thu Mein in the Bago region and of a mosque set ablaze in the village of Hpakant in Kachin State on 2 July have aroused much anxiety and concern both in Myanmar and internationally.

22. Sensing the need for effective action to prevent further outbreaks of such intercommunal tensions and violence, the Government took a calculated step against the Ma Ba Tha in early July 2016 by questioning its legal status and legitimacy and, in particular, the legality of its various activities in the light of article 364 of the Constitution, which forbids the abuse of religion for political purposes. For its part, the highest Buddhist religious authority in the country, the State Sangha Maha Nayaka Committee, objected to the claim of the Ma Ba Tha to any status as a legitimate monks' organization that conforms to the Sangha's manual and organizational charter. The categorical distancing by the Committee from the ideology and activities of Ma Ba Tha, along with the Government's recent actions, augur well for efforts to promote peace and communal harmony. On 15 July, the Government announced the formation of a high-level emergency management central committee chaired by the Second Vice-President and comprising the Minister of Defence and other Union ministers, the Attorney-General, ministers from state and divisional administrations and police commanders. The committee will also work with civil society on strategies to pre-empt communal violence locally, raise awareness and combat any incitement to hatred and violence by the media.

23. No major outbreak of communal violence was reported in Rakhine State or elsewhere. In 2015, the Rakhine State government returned and relocated some 25,000 internally displaced persons. Government-led and grass-roots and civil society efforts at promoting social cohesion and intercommunal harmony have also been promoted, with successful results. Of particular note in this regard has been the work of the Centre for Diversity and National Harmony, which was established with the support of the Peacebuilding Fund.

24. Efforts by countries in the region against smuggling networks and traffickers resulted in a significant decrease in irregular migration out of Rakhine State and Bangladesh by boat, with a 96 per cent reduction in departures from Rakhine and Bangladesh in the second half of 2015, compared with the same period in 2014. This positive development should be viewed against the backdrop of the international outcry over the number of reported deaths at the height of the irregular migration crisis in mid-2015. Myanmar signed the 2016 Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime, which is aimed at addressing irregular migration from a border control and law enforcement angle. The stabilization of the situation in Rakhine requires a deeper and multipronged approach to addressing the root causes of irregular migration.

25. At various international forums, the Government indicated that it was doing its utmost to find tangible solutions to the issues in Rakhine State, while taking into consideration the concerns expressed by various constituencies. It has underlined that the situation in Rakhine is complex, but that it is committed to taking swift and firm action to improve conditions in the camps for internally displaced persons, including regularizing access to education and health services. It has called upon the international community to give Myanmar more time to work out a comprehensive and durable solution to the underlying problems. In that regard, on 30 May 2016 it announced the establishment of a central committee on the implementation of peace, stability and development in Rakhine, with the State Counsellor serving as its Chair. The central committee included all key government ministers, the Attorney-General, the Parliamentary Secretary at the Office of the President and the Rakhine Chief Minister. It is tasked with bringing peace, stability and development to all people in Rakhine. Four working committees were created under it to ensure the successful implementation of its objectives, namely, security, peace and stability and rule of law; immigration and citizenship scrutinizing; settlement and socioeconomic development; and cooperation with United Nations agencies and international organizations. On 2 June, the Vice-Chair of the central committee and Minister for Border Affairs, Ye Aung, who was accompanied by several other ministers, the Rakhine Chief Minister and other officials, undertook an initial visit to Kyaukpyu and Thandwe townships in Rakhine.

26. In a departure from the official position of the previous administration, the Government reportedly issued a letter on 16 June 2016 calling upon Myanmar officials to refrain from using the terms "Rohingya" or "Bengali" when referring to the minority Muslim community in Rakhine State. Prior to the issue of the letter, at a joint press conference in May with the United States Secretary of State, John Kerry, in Nay Pyi Taw, the State Counsellor called upon the international community to understand the need to prioritize a substantial improvement in the situation in Rakhine over the question of nomenclature. While emphasizing that "we are not in any way undermining people's desire to establish their own identity", she said the use of terms that were "emotive" and potentially "incendiary" could

heighten tension and widen the rift between the communities and could undermine the Government's efforts to find "a peaceful and sensible resolution of our problems". In a subsequent meeting with my Special Adviser, the State Counsellor appealed for a better understanding of the sensitivities involved. For its part, the United Nations underlined that NLD, when in opposition, had spoken out strongly against the discriminatory religious and health bills and strongly supported firm action on the basis of the application of the rule of law. Given that background, the international community legitimately hoped the Government would take a principled stand while continuing to address the short-term, medium-term and long-term issues in Rakhine. While responding positively, she referred to the cross-border ramifications of the issue, stressing that a broader resolution of the underlying causes would require close consultation with and the cooperation of Myanmar's neighbours. She also referred, in that context, to the actions taken by the Myanmar navy in intercepting boats in the Andaman Sea during 2015 and of Myanmar providing temporary asylum to the stranded "boat people", many of whom were subsequently repatriated to Bangladesh. Stressing that the larger issue was that of development for all communities in the state and of combating abysmal poverty, inadequate means of livelihood and the lack of basic infrastructure, she called upon the international community to understand the situation in a more nuanced manner and provide greater space to her Government to tackle it practically and over a reasonable time frame.

27. As of August 2015, the Resident Coordinator/Humanitarian Coordinator has established a regional office in Sittwe in order to promote greater coherence among humanitarian and development partners through a coordinated approach to support the humanitarian, development, human rights and social cohesion needs of all people in Rakhine State. The office is headed by a senior adviser who serves as the principal United Nations focal point for the state government. In March and May 2016, the Coordinator co-chaired, along with the dean of the diplomatic corps, an ambassadors group, with participation from the Ministries of Foreign and Border Affairs, to coordinate international assistance and address the humanitarian, development and human rights needs and challenges in Rakhine.

D. Humanitarian issues

28. Some 1 million people are estimated to be in need of humanitarian assistance in Myanmar, including more than 220,000 internally displaced persons, 460,000 people affected by floods and others affected by armed conflict or intercommunal tensions. Nearly 100,000 people remain displaced in Kachin and northern Shan States since fighting resumed in June 2011. While the past year was marked by significant peace initiatives by the Government, the same period also witnessed continued tensions and the outbreak of armed conflict between the Tatmadaw and some ethnic armed groups that did not sign the ceasefire agreement and of conflict between ethnic groups. Clashes have continued to affect civilians in Kachin and Shan States, leading to new displacements in late 2015 and in the first half of 2016. In October 2015, fighting in southern Shan State displaced 6,000 people, while some 12,000 people were displaced in the first six months of 2016 as a result of clashes between ethnic armed groups and with the Tatmadaw. In April 2016, fighting between the Tatmadaw and the Arakan Army in Rakhine State further displaced close to 1,900 individuals in Buthidaung, Kyauktaw and

Rathedaung. Most of these people remain displaced owing to the current security situation.

29. Providing regular, predictable and sustained humanitarian access to the civilian populations affected by these conflicts is critical. This was acknowledged by the Government in its address at the World Humanitarian Summit, held in Istanbul, Turkey, in May 2016, at which the country reaffirmed its commitment to authorizing humanitarian access to areas beyond government control for the purpose of providing life-saving support to vulnerable civilians. Notwithstanding that sentiment, practical humanitarian access to non-government controlled areas in Kachin State has been shrinking. Since May, international humanitarian staff have been routinely prevented from entering those areas altogether. This deteriorating situation challenges basic humanitarian principles, leaving up to 50,000 internally displaced persons living in these areas more vulnerable and less protected. The United Nations has been advocating for humanitarian access to be restored so that its staff can monitor needs and assist in reaching people that the Government itself cannot reach.

30. An estimated 120,000 people in Rakhine State remain internally displaced in 39 camps or camp-like settings following the intercommunal violence that erupted in 2012. Successive rainy seasons and floods, as well as Cyclone Komen in 2015, have taken a serious toll on shelter in the camps, which were originally built to last a maximum of three years. Work has begun to repair some structures, but significant needs remain. While more than 20,000 internally displaced persons were returned or resettled from camps in Rakhine in 2015, a durable solution for the other 120,000 remains out of reach. In addition, more than 330,000 other vulnerable people in Rakhine remain in need of humanitarian assistance. Little progress has been made, however, in addressing fundamental barriers to freedom of movement or access to basic services for Muslims in Rakhine, in particular with regard to health and education.

31. It is clear that the problems in Rakhine State are unlikely to be comprehensively resolved unless there is meaningful engagement between Myanmar and Bangladesh on the underlying issues. Some of the larger issues connected with migration across the Andaman Sea will also require continued regional engagement. On both sides, the vast majority of Rohingya who remain stateless are visibly seen to constitute an unwanted, underprivileged, chronically poor and politically marginalized part of the population.

32. Myanmar is considered one of the countries at highest risk of natural disasters in South-East Asia. In early August 2015, nationwide floods resulting from heavy monsoonal rain and Cyclone Komen affected the country's 13 states and regions, with Chin and Rakhine States and Magway and Sagaing division the worst hit. The floods temporarily displaced 1.7 million people. In Rakhine, a substantial increase in new cases of severe acute malnutrition was observed, with the highest rate, of 200 or more cases per month, recorded in Buthidaung and Maungdaw. In April, June and July 2016, the country was once again hit by the sudden onset of heavy rains, strong winds and hail, which affected townships across the country.

E. Socioeconomic development

33. For more than five years, significant steps have been taken by the Myanmar authorities towards liberalizing and streamlining the economy. The Central Bank of Myanmar assumed greater autonomy over and improved public access to banking services, with mobile banking in particular growing exponentially over the past year. In September 2015, the Central Bank released public guidelines for financial institutions on risk management relating to money-laundering and terrorist financing. This is in line with the core principles for effective banking supervision of the Basel Committee on Banking Supervision and the recommendations of the Financial Action Task Force. Parliament approved an updated banking law in January 2016 with more stringent rules governing paid-up capital and reserve requirements in order to have the banking system align more closely with international norms. Myanmar met its commitment with the Extractive Industries Transparency Initiative by publishing its first report in January 2016 on the extractive sector covering fiscal year 2013/14. The Government had submitted its application to become a candidate of the Initiative in May 2014. It will be required to meet all other reporting and compliance requirements by January 2017.

34. Economic growth is expected to reach 7 per cent in fiscal year 2015/16, which is approximately 1.5 percentage points lower than the past two years owing to the impact of flood damage in 2015, pre-election uncertainty and general weak external demand and low prices for Myanmar's exports. The International Monetary Fund, however, predicts that the real gross domestic product growth is poised to rebound to approximately 8 per cent in fiscal year 2016/17, as the impact of the floods dissipates and investment increases following the smooth political transition. The *Human Development Report 2015: Work for Human Development* of the United Nations Development Programme ranked Myanmar 148th of 188 countries, with a Human Development Index of 0.536, a marginal improvement compared with the previous year when Myanmar scored 0.524 and was ranked 150th. Myanmar continues to have the lowest ranking of the ASEAN countries.

35. Reflecting the development progress made, Myanmar has requested the United Nations to review the country as a potential candidate for graduation from least developed country status. The Committee for Development Policy took note of the request and remarked in its March 2015 report that the country was above the human assets index graduation threshold, while remaining below the gross national income and economic vulnerability index thresholds. While the country does not yet meet the entire graduation eligibility criteria, it is expected to meet the full criteria if the current development trajectory is maintained steadily through 2018.

36. The President, in a statement at his swearing-in ceremony, indicated that raising the quality of life of the majority of the people was among the priorities of his Government, which has expressed its commitment to implementing the 2030 Agenda for Sustainable Development. It is also working with the United Nations country team to raise awareness among government officials and institutions of the Sustainable Development Goals and establish a Goals baseline to assess the situation with regard to the 17 Goals and their targets and indicators.

37. Under its country programme for Myanmar and the regional programme for South-East Asia, the United Nations Office on Drugs and Crime (UNODC) continued to cooperate closely with the Government on strengthening capacities for

cross-border cooperation to combat illicit drug trafficking and on reviewing drug-related legislative frameworks and policies. UNODC also continues to support a major initiative to provide alternative means of income to opium-growing farmers in Shan State.

38. During her recent visit to Myanmar in June 2016, the Special Rapporteur met a number of qualified women working in the area of human rights and conflict whom, she believed, would be an asset to the peace process. The previous Government had made a commitment to ensuring a minimum 30 per cent representation of women at all levels of the process. This commitment to ensure the greater representation of women is one that will need to be implemented more widely in various areas of national priority. Myanmar is one of only 31 countries around the world that has no national youth policy. Its young population is currently at the cusp of the economic boom and could potentially reap the benefits of a huge demographic dividend. To ensure that this dividend does not become a liability, the country urgently needs to develop and articulate a plan of human resources mobilization that will provide better opportunities for training and productive work for young people.

39. Crucial to any such effort will be the upgrading of infrastructure. Only 33 per cent of homes in Myanmar have electricity, compared with 60 per cent in Bangladesh and 99 per cent in Viet Nam. The country's logistics infrastructure ranked 137 of 160 countries in the 2014 Logistics Performance Index, the lowest among ASEAN countries. As a recent study by the World Bank pointed out, the fact that Myanmar shares borders with countries that account for 16 per cent of global gross domestic product and 40 per cent of the world's population provides unique opportunities as the country reinforces its ties and connectivity with its immediate neighbours.

III. Observations

40. Over the past five years, Myanmar has undergone a major transformation. The country has seen significant progress made in the reform of its political and economic institutions, as well as in its opening up to the outside world. A large number of political prisoners has been released, a relatively vibrant and free press has emerged, there is increased freedom of association and political expression, notwithstanding some restrictions, with 91 political parties seeking to contest elections, and there has been an exponential growth in the number and capacity of civil society actors, both national and international. This period has seen both the progressive removal by the Government of constraints on commerce, trade and private enterprise that had long held back the economy and the introduction of major economic reforms, including a unified exchange rate, the removal of import and export restrictions and increased transparency in governance, including its annual budget. The previous Government had taken some significant steps to reduce poverty in order to strengthen overall macroeconomic performance indicators, reduce inflation and the external debt and rebuild the financial, communication and physical infrastructure. Notwithstanding the progress made in opening up vast areas of the economy, serious concerns have persisted with regard to gaps in infrastructure, pressure from land acquisition and land-grabbing, especially in rural areas, rampant corruption and other vulnerabilities affecting the country's ability to withstand shocks from natural and man-made disasters. Major challenges have also arisen that affect the preservation of the social fabric, in particular the situation of

its ethnic and religious minorities, some of which have endured decades of discrimination and others of which have been engaged in violent struggle against the Government and the military.

41. Against this background, it may be opportune for the United Nations to look back at the quarter century of efforts by the international community, through the annual deliberations of the Third Committee of the General Assembly, to promote democracy, political change and reform. In its first resolution on Myanmar, in 1991, the Assembly expressed concern at the grave human rights situation and stressed the need for its early improvement (see resolution 46/132). In 1992, the Assembly urged the Government to allow all citizens to participate freely in the political process and expressed concern at the continuing problem of refugees from Myanmar in neighbouring countries, including the Rohingya refugees in Bangladesh (see resolution 47/144). Subsequent resolutions expressed concern at the failure by the Government to take all steps necessary towards democracy and called for an end to the deprivation of the fundamental rights of the people, the release of political prisoners, including of Aung San Suu Kyi, and the conduct of credible elections.

42. Many key demands of these resolutions appear to have been met. The reform process is still a work in progress, however, and much remains to be accomplished. The further consolidation of democracy will depend on continuing stable relations and cooperation between the new political leadership and the Tatmadaw. As long as the threat of fragmentation along ethnic lines remains "clear and present", the army can be expected to cite this danger as sufficient reason to retain its control over critical departments within the Government, such as defence, the interior and border affairs. It is also not likely to concede its hold over a quarter of the total number of seats in Parliament. Senior military leaders have been giving clear indications that, unless the army was convinced of visible progress in the talks for national reconciliation and of a similar reduction in "unconventional threats" to national and regional stability, including those posed in Rakhine State, it will be unwilling to agree to any drastic dilution of its role in the governance of the nation. Critical to any willingness within the army to step away from decisive political control over State structures will be the question of whether the launch of a political dialogue will bring the ethnic armed groups irrevocably away from the path of military confrontation. This is also why the army sees progress in disarmament, demobilization and reintegration or some form of monitored surrender of weapons by the armed groups as a necessary prelude to all sides sitting down to negotiate the contours of any reorganized national army under a new federal State. Given the current trust deficit, however, this goal seems unlikely to be achieved at any early stage of the dialogue process.

43. The NLD leadership has also identified national reconciliation through a political dialogue process with the ethnic armed groups as a fundamental priority for the Government. They see a broad-based power-sharing agreement between the Government, the army and the different groups as key to setting up a new inclusive political and constitutional structure that meets the aspirations of the diverse ethnic groups within a federal set-up. While NLD would like to see the army progressively divest itself of a national political role, it will remain sensitive to the Tatmadaw's traditional commitment to the three principles of the non-disintegration of the country, the non-disintegration of national solidarity and the perpetuation of the sovereignty of the nation. The ethnic armed groups, on the other hand, while sympathetic towards the desire of NLD to see a diminution of the Tatmadaw's

political role, would also wish to see its military role reduced vis-à-vis the aspiration of their own armed groups. On this issue, however, they are unlikely to find much sympathy or support from NLD. It is against the background of these complex factors, and the added geopolitical stakes within the region, that we will need to assess the determination of the Government and the military to retain national ownership of the peace process and their careful calibration of any possible influence or role that can be played by institutions like the United Nations.

44. Promoting a culture of respect for human rights that encompasses all aspects of Myanmar's political, economic and social life will be key to the consolidation of democracy. In this regard, an issue that has consistently been underscored in successive resolutions of the General Assembly relates to the possible early establishment of an office in Myanmar of OHCHR with a full mandate. I am aware that many Member States, in their bilateral engagements, have reinforced this suggestion with the Government. I believe that the establishment of such an office will enable the United Nations to enhance its engagement with the Government on policy dialogue, advocacy, technical cooperation and capacity-building in the area of human rights. I hope that, in the new political environment, it will now be possible for the Government to seriously address this demand. The United Nations will continue to support Myanmar to strengthen its national human rights mechanisms and institutions, such as the Myanmar National Human Rights Commission. Apart from playing an important role in the follow-up to recommendations emanating from United Nations human rights mechanisms, such strengthening will help to feed information into the national development planning process, protect the Commission's independence, build enhanced accountability within the Government and help to address broader human rights challenges and issues of preventing and combating discrimination, incitement to hatred or intercommunal violence and promoting harmony among the people.

45. One enormous challenge that the international community expects the new Government to address as an immediate priority is that of improving the conditions of the most vulnerable populations in Rakhine State, especially those who have been living in the camps for internally displaced persons around the state since 2012. I am confident that the courage and tenacity that NLD leaders have shown in previous years will guide them to take tangible steps to bring some stability and dignity to the lives of many thousands of persons of the Muslim community in Rakhine who, notwithstanding their claims of belonging to this region over generations, live without legal status and documents, on the edge of uncertainty, and suffer continued discrimination and human rights violations, public derision, insecurity and want. Many of these populations continue to face restrictions in access to hospitals, education and means of livelihood. The Government will need to take steps to abrogate all discriminatory laws, including those that restrict their freedom of movement and their rights to marriage and family life. The United Nations is already working with the Government on various programmes to address these urgent human rights concerns and improve the general socioeconomic conditions of all communities in Rakhine. One a broader level, new ideas and mechanisms need to be examined on the basis of cooperation between Myanmar and Bangladesh. These must include ways to resolve the question of citizenship of Rohingya populations currently on both sides of the border.

46. This will be my final year as Secretary-General. In my decade-long tenure, notwithstanding the best efforts of the Organization and its dedicated staff, as well

as those of our partners across the world, we have seen a number of disappointments and setbacks in our work. Myanmar, however, remains a country that has made consistent and visible progress in many areas of its national life. During the past five years, the space for political freedom has increased significantly. Old foes have reached out across the negotiating table to advance a process of reconciliation and narrow political differences in the pursuit of peace. Huge challenges and concerns remain, including those afflicting the entire Muslim community in Rakhine State, which need delicate and compassionate handling. The United Nations will continue to advocate strongly for an end to the discrimination that they face and for the full realization of their human rights so that they may live in dignity and on equal standing with their compatriots, regardless of their ethnic and religious differences. In broad terms, and by many of the benchmarks outlined in the successive resolutions of the General Assembly on Myanmar for more than two decades, Myanmar's record today is a positive one. I therefore invite the Assembly to review the continuation of the good offices, including the mandate of the Special Adviser, and consider other options for continued engagement in order to support and encourage further concrete and meaningful progress on the remaining challenges. In doing so, we will reflect the remarkable progress made by the people of Myanmar and their political leadership, recognize the strength and utility of its partnership with the United Nations and encourage it to tackle its remaining challenges and difficulties with courage, determination and the knowledge that it has the support and encouragement of the wider international community.